

### **REMARKS/ARGUMENTS**

Claims 30, 35, 36, 38-44 and 46-63 are pending in this application. By this Amendment, Claims 30 and 52 are amended, and Claims 60-63 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Independent Claims 30 and 52 are amended to recite that the cooling chamber is open on its bottom to cool an item positioned adjacent the opening of the chamber. Claims 60 and 62 depend from independent Claims 30 and 52, respectively, and add that the cooling equipment is a non-recirculating cooling apparatus. Claims 61 and 63 depend from independent Claims 30 and 52, respectively, and recite that the cooling chamber is open at its bottom for communication of the cooling agent to the atmosphere beyond the cooling equipment to reach and cool the item. These claimed features are clearly supported by the originally-filed application, for example, at Fig. 2 and Page 8, Lines 17-23. Accordingly, no new matter is added.

### **EXAMINER INTERVIEW**

Applicants thank the courtesies extended by Examiner Rahim to the Applicant's representative, Michael Cornelison, during a telephonic interview on June 9, 2010. During the interview, an agreement was reached that an amendment to the independent Claims 30 and 52 changing "with regard to the force of gravity" with --to cool an item positioned adjacent the opening of the cooling chamber-- places the claims in condition for allowance as including patentable subject matter. The Examiner and Applicants representative also agreed that the features added by dependent Claims 60-63 further distinguish the claims over the prior art.

**NON-OBVIOUSNESS**

Claims 30, 37, 38, 41, 42, 44, 46-49, 52, 53 and 56-59 stand rejected under 35 U.S.C. §103(a) over Thomas (U.S. Patent No. 6,389,829) in view of Boese (U.S. Patent No. 4,566,283). Claims 35 and 54 stand rejected under 35 U.S.C. §103(a) over Thomas, Boese, and Ritter (U.S. Patent No. 3,245,248). Claims 36 and 55 stand rejected under 35 U.S.C. §103(a) over Thomas, Boese, Ritter, and Sitte, et al. (U.S. Patent No. 6,178,757). Claim 39 stand rejected under 35 U.S.C. §103(a) over Thomas, Boese, and Hammerstedt, et al. (U.S. Patent No. 6,065,294). Claims 40 and 43 stand rejected under 35 U.S.C. §103(a) over Thomas, Boese and Lee (U.S. Patent No. 5,335,503). Finally, Claims 50 and 51 stand rejected under 35 U.S.C. §103(a) over Thomas, Boese, and Bash, et al. (U.S. Patent No. 7,031,154). All of the rejections are respectfully obviated in view of the amendments for at least the reasons set forth below.

In confirmance of the agreement reached during the interview, none of the combinations of references would have resulted in the features of currently amended independent Claims 30 and 52, which both recite that the cooling chamber is open on its bottom to cool an item position adjacent the opening of the cooling chamber. Also in agreement, none of the combinations would have resulted in the features added by Claims 60-63; in particular, the cooling equipment being a non-recirculating cooling apparatus or the cooling chamber being open at its bottom for communication of the cooling agent to the atmosphere beyond the cooling equipment to reach and cool the item. As agreed upon during the interview, the cryogenic cooling chamber taught by Thomas is captive (*e.g.*, closed such that preferably no outside air enters the system and its refrigerant is recirculated). For at least this reason, Thomas cannot teach a cooling chamber open its bottom to cool an item positioned adjacent the opening of the chamber. See Figs. 1, 2

and 11 and column 5, lines 25-28.

Therefore, Applicants respectfully confirm that the amended Claims 30 and 52, and their respective dependent Claims 35, 36, 38-44, 46-51 and 53-63 are allowable over the prior art. Withdrawal of the rejections is respectfully requested.

**CONCLUSION**

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

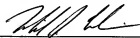
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below to expedite prosecution of the application.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
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June 23, 2010

By



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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.
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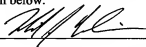
Application Serial No. 10/595,308  
Amendment Dated June 23, 2010  
Reply to Office Action of March 3, 2010

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Date: June 23, 2010

Signature: \_\_\_\_\_



Name: \_\_\_\_\_

Michael J. Cornelison